

Sara,

According to our Memorandum of Agreement, the Environmental Protection Agency (EPA) Region III has received the draft National Pollutant Discharge Elimination System (NPDES) permit for:

Tinicum Township WWTP

NPDES Number: PA0028380

EPA Received: 7/1/2020

30-day response due date: 7/31/2020

This is a major permit that discharges to Darby Creek and is affected by the Delaware River Estuary PCB TMDL. EPA has chosen to perform a limited review based on the PCB TMDL, whole effluent toxicity requirements and the Reasonable Potential Analysis (RPA). EPA has completed its review and offers the following comment(s):

EPA offers two comments on PADEPs RPA of Bis(2-Ethylhexyl) Phthalate (DEHP) and Chrysene:

1. Bis(2-Ethylhexyl)Phthalate (DEHP)

DEHP has been reportedly known to be a common toxic pollutant of concern for many point source dischargers. Even though the analytical method approved by US EPA clearly asks to use glass sample containers and automatic sampling equipment that must be free as possible of Tygon tubing and other potential sources of contamination, most composite samplers still contain these contaminated parts. The Township reported a maximum DEHP concentration of 4.15 µg/L on the permit renewal application which is about 54% of the 7.68 µg/L WQBEL. PaDEP's published "SOP for Establishing WQBELs and Permit Conditions for Toxic Pollutants" in NPDES Permits states that limits should be established for toxic pollutants where the maximum concentration exceeds 50% of the WQBEL which DEHP does in this case and limits should be imposed in the permit consistent with 40 CFR 122.44(d)(1)(iii). So in order to achieve consistency with PADEP RPA procedures and federal regulations, PaDEP would need to establish a permit limit for DEHP; however, understanding that there are common sample contamination issues with this particular pollutant, our office recommends a few options:

- A. PaDEP could discuss proper sampling procedures with the permittee and request additional data collection, if appropriate, before issuing the permit;
- B. As per a phone call with my staff on 7/23/2020, instead of imposing a monitor-only requirement for the next permit cycle, PaDEP mentioned the possibility of requiring data collection (for about 2 years) after which time PADEP could reevaluate RP. If review of the data confirmed RP, the permit may need to be modified to impose limits consistent with 40 CFR 122.44(d)(1)(iii);
- C. The fact sheet will need to include a more robust discussion on the RPA.

2. Chrysene

On the Township's application, it reported two detectable results for chrysene with a detectable maximum concentration of 0.277 µg/L which is an order of magnitude above the calculated WQBEL of 0.02432 µg/L. As per PaDEP's "SOP for Establishing WQBELs and Permit Conditions for Toxic Pollutants" chrysene meets the requirements for defining RP and establishing a limit in the permit. PaDEP does not include a limit in the permit and instead institutes a quarterly monitoring requirement. The rationale for this in the fact sheet is the limited dataset of 4 samples is not enough to establish RP. EPA does not fully support this rationale. Clearly a larger data set enables

a more robust RP assessment, but application data is typically limited, and RP assessments are based on available data. While a larger dataset would benefit PaDEP's RPA, the fact sheet and permit do little to justify not implementing a limit for chrysene.

As per a phone call with my staff, you noted that there are no discernible industrial sources of chrysene and that PADEP does not feel it can establish RP based on the limited data set. As stated above, PADEP could consider obtaining additional data to evaluate RP based on a larger data set, or PADEP mentioned the possibility of requiring data collection for about 2 years after which time RP could be re-evaluated and limits imposed in a modified permit if RP is demonstrated. Regardless of the path forward, the fact sheet will need to include a more detailed justification on the RPA.

If there are any changes proposed to the draft permit and/or fact sheet, please coordinate with Ryan Shuart on my staff via telephone at 215-814-2714 or via electronic mail at [[HYPERLINK "mailto:shuart.ryan@epa.gov"](mailto:shuart.ryan@epa.gov)] prior to issuance.

Sincerely,
Michelle

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